

**Minutes of Meeting  
VIRGINIA REAL ESTATE BOARD  
INFORMAL FACT-FINDING CONFERENCES  
JULY 7, 2004 (9:00 A.M.)**

The Virginia Real Estate Board convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Schaefer Oglesby, Board Member, Presided. No other Board members were present

Douglas W. Schroder appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD.

Disc=Disciplinary Case  
Lic=Licensing Application

C=Complainant/Claimant  
A=Applicant  
R=Respondent/Regulant  
PB=Principal Broker  
SA=Sales Agent  
Invest=Investigator  
W=Witness

**Participants**

1. Brian Sandy Fabricatore  
File Number 2004-02650 (Disc)

Brian Fabricatore – R  
Becky Angelilli – Invest.

2. Thomas W. Finch  
File Number 2002-03239 (Disc)  
No decision made

Janet Creamer – Invest.

3. Jaye Riley Blevins  
File Number 2004-04705 (Lic)

Jaye Blevins – A

The meeting adjourned at 4:30 p.m.

Virginia Real Estate Board

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S. Ronald Owens, Chairman

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Louise Fontaine Ware, Secretary

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Custodian of Records

**IN THE  
COMMONWEALTH OF VIRGINIA  
REAL ESTATE BOARD**

Re: Brian Fabricatore  
The Transact Group Inc.

File Number: 2004-02650  
License Number: 0225064468

**SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE**

On May 25, 2004, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Brian Fabricatore's address of record. The Notice included the Informal Fact-Finding Conference Memorandum, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was signed for and received by Brain Fabricatore.

On July 7, 2004, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Brian Fabricatore, Respondent; Doug Schroder and Becky Angelilli, Staff Members; and Schafer Oglesby, Presiding Board Member.

## RECOMMENDATION

Based upon the evidence and the IFF, the following is recommended regarding the Count as outlined in the IFF Memorandum:

**Count 1: Board Regulation (Effective April 1, 2003)**

Brian Fabricatore's failure to deliver the \$1,000 earnest money deposit check and ratified contract to his principal broker in a timely manner is a violation of Board Regulation 18 VAC 135-20-260(11). During the investigation and the IFF, Mr. Fabricatore acknowledged that the contract was ratified on October 1, 2003. Yet, he did not turn in the ratified contract or the earnest money deposit to his broker until October 31, 2003. During the IFF, Mr. Fabricatore appeared very remorseful and repeatedly assured the board that this would not happen again. At the time of this transaction he was working out of a home office. He stated that he got side tracked when he encountered problems obtaining financing and overlooked turning in the paper work to his broker. He currently has a new broker and no longer works out of a home office. He further stated that he now submits all earnest money deposit checks within 24 hours of receipt. Therefore, I recommend that a monetary penalty of \$500.00 be imposed.

By: \_\_\_\_\_  
Schaefer Oglesby  
Presiding Board Member

Real Estate Board

Date: \_\_\_\_\_

## MONETARY PENALTY TERMS

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF THE LICENSE, CERTIFICATE, OR REGISTRATION UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

VIRGINIA DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL REGULATION  
ENFORCEMENT DIVISION  
3600 WEST BROAD STREET  
RICHMOND, VIRGINIA 23230-4917

INFORMAL FACT FINDING CONFERENCE MEMORANDUM

TO: Adjudication Section  
BOARD: Real Estate Board  
DATE: April 22, 2004, Revised May 6, 2004  
RE: 2004-02650; Sally Dougherty v. Brian S. Fabricatore

LICENSE, CERTIFICATION, OR REGISTRATION NUMBER:  
0225064468

EXPIRATION DATE OF LICENSE:  
04/30/2006

INVESTIGATOR: Becky C. Angelilli  
ASSISTANT DIRECTOR: E. Wayne Mozingo

COMMENTS:

2004-02650; Sally Dougherty v. Brian S. Fabricatore

**BACKGROUND:**

On December 29, 2003, the Enforcement Division of the Department of Professional and Occupational Regulation received a written complaint from Sally Dougherty ("Dougherty") regarding a contract entered into with Brian S. Fabricatore ("Fabricatore") of Century 21 U S Realty. (Exh. C-1)

On or about October 1, 2003, Dougherty, as seller, and Fabricatore, as purchaser, entered into a Residential Contract of Purchase for property known as 7 Sandy Beach Court, Palmyra, Virginia, through Century 21 US Realty. There was no Listing Broker. Fabricatore represented himself as the purchaser and did not represent Dougherty as the seller. The contract was ratified on October 1, 2003. (Exh. C-2)

1. **Violation of Board Regulations Effective April 1, 2003**

18 VAC 135-20-260(11)

**FACTS:**

Terms of the purchase contract called for a \$1,000.00 earnest money deposit made by the purchaser to be deposited with Century 21 US Realty upon ratification of the contract.

Fabricatore wrote check #2431 dated October 1, 2003, in the amount of \$1,000.00 payable to Century 21 US Realty. (Exh. R-2)

Fabricatore did not deliver the check and ratified contract to the firm until October 31, 2003. (Exh. R-1) The funds were deposited into the Century 21 US Realty account on October 31, 2003.

Fabricatore may have engaged in improper conduct.

**IN THE  
COMMONWEALTH OF VIRGINIA  
REAL ESTATE BOARD**

Re: Jaye Riley Blevins  
Application

File Number: 2004-04705

**SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE**

On May 25, 2004, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Jaye Riley Blevins. The Notice included the Informal Fact-Finding Conference Referral Memorandum, which contained the facts regarding the application. The certified mail was signed for and received by Jaye Riley Blevins.

On July 7, 2004, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Jaye Riley Blevins, Applicant; Doug Schroder, Staff Member; and Schaefer Oglesby, Presiding Board Member.

### **RECOMMENDATION**

Based upon the evidence and the IFF, the following is recommended regarding the application requirements as outlined in the IFF Conference Referral Memorandum:

During the IFF, Jaye Blevins confirmed that she had been actively involved the real estate brokerage business since 1986 and has been a licensed broker, in the state of Colorado, since 1988. While residing in Colorado, Jaye Blevins obtained her GRI certification, co-managed a real estate office, which employed 45 real estate licensees, and subsequently owned a 14 agent Century 21 real estate brokerage business. Jaye Blevins operated the Century 21 real estate business until her move to Virginia, which occurred during February 2003. Upon relocating to Virginia, she put her Colorado broker's license on inactive status, in accordance with Colorado Real Estate Commission regulations. She took the Virginia brokers exam and passed it; however, she was approximately 42 days past the deadline to meet the verification of experience showing that she was actively engaged as a real estate salesperson and/or broker for 36 of the 48 months preceding her application for licensure.

It appears to me that Jaye Blevins has more than sufficient experience and is well qualified to be licensed as a real estate broker in Virginia. Therefore, I recommend that Jaye Blevins' application be approved.

By: \_\_\_\_\_  
Schaefer Oglesby  
Presiding Board Member

Real Estate Board

Date: \_\_\_\_\_



REGULATORY PROGRAMS DIVISION  
APPLICATION REVIEW  
INFORMAL FACT FINDING CONFERENCE REFERRAL MEMORANDUM

To: Adjudication Section, Enforcement Division      Date: 5/24/04

From: Christine Martine      Board: Real Estate

Re: Applicant Name: Jaye R. Blevins

Applied For:    X    License      Certification      Registration

Type Applied For: Broker by Reciprocity  
(as marked on application)

Reviewed By:

Board Member

Christine Martine  
Staff Member

IFF Requested by Whom: Applicant

When: 5/18/04  
(date)

How: Letter  
(letter, telephone, etc.)

COMMENTS: MS. BLEVINS REQUESTED A WAIVER OF THE EXPERIENCE REQUIREMENT WHEN SHE COMPLETED HER APPLICATION THEREFORE IT SHOULD BE HEARD BY A BOARD MEMBER.

BASIS UPON WHICH APPLICANT MAY NOT MEET BOARD REGULATORY REQUIREMENTS:  
EXPERIENCE VERIFICATION

Pursuant to VA Code or Board Regulation §: 18 VAC 135-20-60.6 and §54.1-2105.B

*Facts:* (Include name of Court, convicted of, Code §, misdemeanor or felony and date of order.)

Jaye R. Blevins applied for a broker's license by reciprocity on March 25, 2004 and did not meet the experience verification requirements on her application as follows:

Jaye R. Blevins did not provide independent verification of experience showing that she was actively engaged as a real estate salesperson and/or broker for 36 of the 48 months preceding her application for licensure.

DRAFT